

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

In re:) Case No. 22-41803
)
Donald C. Darnell,) Judge Maria L. Oxholm
) Chapter 7
Debtor)
_____)

DECLARATION OF SUBCHAPTER V TRUSTEE AND SUPPLEMENT

Kimberly Ross Clayson, former Subchapter V Trustee (“Applicant”) for Donald C. Darnell (“Debtor”), respectfully submits the following as her Declaration and Supplement:

1. I am the former Subchapter V Trustee in this Chapter 7 bankruptcy proceeding and I attest to the following based on my personal knowledge and information within my possession.

2. On July 9, 2023, I received an email communication from the Chapter 7 Trustee inquiring about the status of my fee application.

3. Immediately following the Trustee’s email communication, I reviewed my email account associated with my Subchapter V email noticing credentials, kclayson@taftlaw.com, (“Associated Email Account”) to locate ECF notices for this bankruptcy matter.

4. There are no ECF notices in my Associated Email Account Inbox, Archives, Spam or Trash folders pertaining to this bankruptcy matter since the conversion of this case to Chapter 7.

5. I then reviewed the court's docket in this matter which contains docket entries as late as July 7, 2023 and compared the docket entries to the ECF notices in my Associated Email Account Inbox and I determined that I have not been receiving any ECF notices in this matter having received no ECF notices as late as the last docket entry in this case.

6. In contrast, I am receiving all ECF notices to my Associated Email Account for all pending Chapter 11 cases in which I am the current Subchapter V Trustee.

7. In my review of the docket, I located the Court's March 31, 2023 order requiring a supplement explanation [ECF No. 283] for the difference between my hourly rate compensation requested in my fee application and the hourly rate compensation indicated in my notice of appointment ("Order to Supplement").

8. I contacted my fellow Subchapter V trustees in the Eastern District of Michigan to inquire about whether this has been an issue in their cases and at least one Subchapter V trustee confirmed that they likewise have not been received notices in cases in which they served as Subchapter V trustee following conversion from Chapter 11 to Chapter 7.

9. For the reasons stated above, I did not receive email notification of this filing. The court docket does not indicate that the Order to Supplement was served by mail and I did not receive notice of the Order to Supplement by mail.

10. I am submitting this Declaration and Supplement immediately following the date upon which I read the Order to Supplement by accessing the ECF Docket through a search of the ECF system.

11. In response to the Order to Supplement, the hourly rate in my notice of appointment reflects my 2021 hourly rate despite the case having been filed in 2022 when my 2022 hourly rate of \$330.00 was in effect.

12. In the interest of expediency, and, in light of the discrepancy between my disclosed hourly rate and my true 2022 hourly rate, I am willing to accept the hourly rate of \$300.00 per hour thereby reducing my request for compensation from \$11,088 to \$10,080.

Respectfully submitted,

SUBCHAPTER V. TRUSTEE

By: /s/Kimberly Ross Clayson
Kimberly Ross Clayson (P69804)
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Dated: July 10, 2023

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Donald C. Darnell,) Judge Maria L. Oxholm
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CERTIFICATE OF SERVICE

I hereby certify that on July 10, 2023, my office caused to be served a copy of the *Declaration of Subchapter V Trustee and Supplement* and this *Certificate of Service* by using the Court electronic filing system which will send notification of such filing to all parties listed on the ECF list in the above-captioned case.

Respectfully submitted,

SUBCHAPTER V. TRUSTEE

By: /s/Kimberly Ross Clayson
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